



AF/ 3622
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CF-007 Reissue

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Reissue Applicants : Stuart A. Fraser et al.
Application No. : 09/859,661 Confirmation No.: 3933
Filed : May 17, 2001
For : AUTOMATED AUCTION PROTOCOL PROCESSOR
For Reissue of
Patent No. : 5,905,974 (Issued May 18, 1999)
Group Art Unit : 3622
Examiner : James W. Myhre

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97, applicants hereby make the following document of record in the above-identified patent application:

LITIGATION DOCUMENTS

eSPEED, Inc. et al. v. BROKERTEC USA, L.L.C. et al., C.A. No. 03-612 (KAJ), BRIEF IN OPPOSITION TO PLAINTIFFS' MOTION FOR JUDGEMENT AS A MATTER OF LAW OR, IN THE ALTERNATIVE, FOR A NEW TRIAL, May 23, 2005.

This document is listed on the accompanying Form PTO/SB/08 (submitted in duplicate) and is submitted herewith.

LITIGATION DEVELOPMENTS

In a Supplemental Information Disclosure Statement filed October 6, 2003, in a Fifth Supplemental Information Disclosure Statement filed October 4, 2004, and in a Sixth Supplemental Information Disclosure Statement filed April 7, 2005, reissue applicants advised the Office of the pendency of a litigation styled eSPEED, Inc. et al. v. BROKERTEC USA, L.L.C. et al., D. Del., Civil Action No. 03-61(KAJ), which involves related U.S. Patent No. 6,560,580 (the "'580 Patent") and in which the Defendants have asserted that certain claims of the '580 Patent are invalid and/or unenforceable by reason of alleged inequitable conduct. Reissue applicants have previously provided the Office with numerous pleadings, motions, briefs, discovery documents and opinions and orders from the litigation involving the '580 Patent.

The above listed document is a litigation document relating to the '580 Patent litigation.

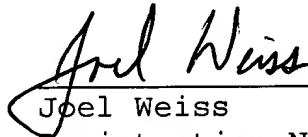
With respect to this document, and pursuant to 37 C.F.R. § 1.97(d), applicants/appellants hereby authorize the Director to charge \$180.00 in payment of the fee pursuant to 37 C.F.R. §1.17(p) to Deposit Account No. 06-1075, Order No. 000718-0007. Applicants/appellants certify that no item of information concerning the above listed document was known to any individual designated in §1.56 more than three months prior to the filing of this Supplemental Information Disclosure Statement.

It is respectfully requested that this document be (1) fully considered by the Patent and Trademark Office during examination of this application; and (2) printed on any patent which may issue on this application. Applicants request that a copy of Form PTO/SB/08, as considered and initialed by the Examiner, be returned with the next communication.

The Director is hereby authorized to charge any additional fee that may be due, or credit any overpayment, in connection with this Supplemental Information Disclosure Statement, to Deposit Account No. 06-1075, Order No. 000718-0007. A duplicate copy of this Supplemental Information Disclosure Statement is enclosed herewith.

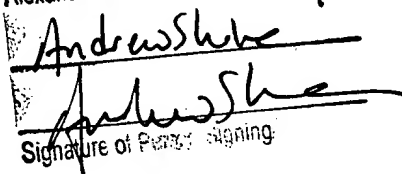
Consideration of the foregoing in relation to this patent application is respectfully requested.

Respectfully submitted,

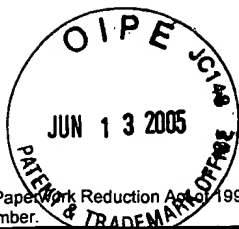


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PTO/SB/08A (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449/PTO		Complete if known			
		Application Number	09/859,661		
INFORMATION DISCLOSURE STATEMENT BY APPLICANTS (use as many sheets as necessary)		Confirmation No.	3933		
		Filing Date	May 17, 2001		
		First Named Inventor	Stuart A. Fraser et al.		
		Art Unit	3633		
		Examiner	James W. Myhre		
Sheet	1	of	1	Attorney Docket Number	CF-007 Reissue

U.S. PATENT DOCUMENTS					
Examiner initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Documents	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number – Kind Code ² (if known)			

Examiner Signature		Date Considered	
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FOREIGN PATENT DOCUMENTS						
Examiner initials	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Documents	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ¹ - Number ² - Kind Code ³				

NON PATENT LITERATURE DOCUMENTS			
Examiner initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ⁶
		APPENDIX A	
		LITIGATION DOCUMENT	
		eSPEED, Inc. et al. v. BROKERTEC USA, L.L.C. et al., C.A. No. 03-612 (KAJ), BRIEF IN OPPOSITION TO PLAINTIFFS' MOTION FOR JUDGEMENT AS A MATTER OF LAW OR, IN THE ALTERNATIVE, FOR A NEW TRIAL, May 23, 2005.	

Examiner Signature		Date Considered	
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* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered.

Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language translation is attached.